83-1434

Office - Supreme Court, U.S.
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ALEXANDER L. STEVAS,
CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1983

NO.: _____

MOSES WILLIAMS and MANNIE BLACK,

Appellants,

vs.

BROTHER FREEMAN T. WYCHE,

Appellee.

ON APPEAL FROM THE DISTRICT COURT OF APPEAL FOR THE THIRD DISTRICT OF FLORIDA

JURISDICTIONAL STATEMENT

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ADDENDUM

Under the Florida Constitution when a District Court of Appeals renders a per curiam decision, the state District Court of Appeals becomes the state court of last resort, thereby vesting jurisdiction in the U. S. Supreme Court.

QUESTION PRESENTED:

Whether the First and Fourteenth Amendments to the United States Constitution prohibit a state court from overriding the decisions of the governing board of a non-independent church in its selection of minister, requiring the religious institution to hold an election of the congregation in order to determine the leadership and control of the institution and of the church property.

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1983

No. _____

MOSES WILLIAMS and MANNIE BLACK,

Appellants,

vs.

BROTHER FREEMAN T. WYCHE,

Appellee.

ON APPEAL FROM DISTRICT COURT OF
APPEAL FOR THE THIRD DISTRICT OF FLORIDA

JURISDICTIONAL STATEMENT

OPINIONS BELOW

The opinion of the District Court of Appeal for the Third District of Florida is not reported. The Order of the

aforesaid Court per curiam affirming the Trial Court's decision is attached hereto. (Appendix A-1-2).

JURISDICTION

The judgment of the District Court of Appeal for the Third District of Florida was entered on October 11, 1983, per curiam affirming the Trial Court's Order denying Plaintiff/Appelllant's Motion for Injunctive Relief. This case involves a dispute between the governing body of a religious institution and a factionalized membership of this institution, over control of the church property and leadership of the church. The Trial Court ordered Plaintiffs/Appellants who were the founders, elders and hierarchy of the church to release all church property

within their possession and turn the property over to a minority faction of the church led by an expelled minister of the church. The Court also ordered that an election be held for the selection of a minister and new elders although fully apprised that such an election vitiated the tenets and doctrine of this church and overrided the elders' authority. A judicial declaration on such a matter inhibited the free exercise of religion of the church members.

A Notice of Appeal to this Court (Appendix B-1-3) was filed on February 1, 1984. The jurisdiction of this Court is invoked under 28 USC §1257.

CONSTITUTIONAL PROVISIONS INVOLVED

The First Amendment to the United

States Constitution provides in pertinent part:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof . . .

The Fourteenth Amendment to the United States Constitution provides in pertinent part:

> Nor shall any State deprive any person of life, liberty or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws . . .

LIST OF PARTIES

All of the parties appearing in

the District Court of Appeals for the Third District of Florida are listed in the caption.

STATEMENT OF THE CASE

The question presented by this case is whether a Court Order requiring a factionalized membership of a church to submit to an election to determine the leadership of the church and the ownership of church property, against the policies of the church hierarchy, and against the church's doctrines and tenets, is a violation of the First and Fourteenth Amendments to the United States Constitution.

The instant suit arose in March of 1983, when the Appellants filed a Verified Complaint for Injunctive Relief, Declaratory Judgment and Damages in the

11th Judicial Circuit In and For Dade County, Florida. (Appendix F-1-21). An emergency hearing on Plaintiff/Appellants' Motion for Preliminary Injunction was held on April of 1983. The basis of the Complaint and the hearing were as follows:

Plaintiffs/Appellants were appointed as elders and the established hierarchical body of the Liberty City Church of Christ in Miami, Florida some thirty years ago. There are in excess of three hundred churches of Christ of this denomination throughout the country, each maintaining a governing body known as the elders. Each church's elders confer regarding church policies and doctrine. The congregation of the Liberty City Church of Christ consists of approximately 200-300 worshippers. The elders were

vested with the authority to make all decisions regarding the welfare of the congregation. The elders hold church finances, select and fire church personnel, including but not limited to the Minister and conduct all church affairs pursuant to this Church's established doctrines and rules.

In May of 1979, just after the death of the previous Minister, the elders appointed a new Minister, FREEMAN T. WYCHE, and entered into a verbal employment agreement with him regarding his tenure at the Church. His continued employment was predicated on satisfactory performance of his duties. The elders were empowered to terminate the Minister's employment upon ninety days notice in the event the Minister should deviate from his

duties.

In March of 1983, having found the Minister's performance to be unsatisfactory, the elders provided the Minister with ninety days notice of his termination. The Minister proceeded to immediately call an unscheduled meeting of congregation members at which time he conducted an unofficial and illegal election and in effect, initiated the elders' ouster and his reinstatement. Appellee had no authority to conduct this election, as elections are against Church doctrine and further Appellee failed to provide the congregation with proper notice for the meeting as is required by Church by-laws.

Nevertheless, Appellee removed the eldership, not only from their positions as elders but from membership in the

Church they had established. He changed the locks of the Church, thus rendering the Church impassable to the elders and those members who were not permitted new keys. Additionally, Appellee confiscated and secreted Church property in his home. This home was Church property provided to the Minister rent-free as a condition of his employment with the Church. The Appellee has refused to vacate the premises, as has his daughter who is residing on the Church parsonage although there have been numerous requests made by the elders that they vacate the premises. Appellee has refused to relinquish his post and continues to act as the Minister of the Liberty City Church of Christ in defiance of the orders of the elders.

The Trial Court heard arguments of

counsel in April of 1983 at which time Appellants sought to return to their positions as elders and continue to hold church funds and dictate church policies.

The Trial Court ordered that Plaintiff/Appelants' Request for Injunctive Relief be denied. The court ordered that Appellants return all funds to Liberty City Church of Christ and to Minister Wyche. The court also ordered that the Church schedule a meeting of eligible members of the Liberty City Church of Christ to determine who shall be selected as the elders of the Church and who shall serve as Minister. Just prior to this election, the elders were not permitted access to the Church. Appellee's conduct caused factions to develop within the Church resulting in spiritual dishar-

mony and encouraging the destruction of a community unity. An election was held by Appellee, MINISTER WYCHE, and the elders were expelled from the Church. No elders have been appointed or elected to date. The established hierarchy in this Church denomination has traditionally, and since the Church's inception, been the elders who are appointed to their positions and may not elected by the congregation.

The Appellants appealed the Trial Court's Order on April 21, 1983. A Notice of Appeal is attached hereto. (Appendix E-1-3). After hearing oral argument of counsel for both parties the District Court of Appeals, Third District per curiam affirmed the lower court's ruling.

THE QUESTION IS SUBSTANTIAL

The questions presented by this appeal are delicate, however, the Court has passed upon them previously. The precedents established by the Court not only do not support the decision of the District Court of Appeals, Third District of Florida, but require its reversal. In analogous situations, on a claim of judicial infringement with the free exercise of religion, this Court has held that substantial federal questions are raised. Watson v. Jones, 80 U. S. 679 (1872); Gonzalez v. Roman Catholic Archbishop of Manila, 280 U. S. 1 (1920); Kedroff v. St. Nicholas Cathedral, 344 U. S. 94 (1952); Presbyterian Church v. Mary Elizabeth Blue Hall Memorial Presbyterian Church, 393 U. S. 440 (1969); Kreskik v. St. Nicholas Cathedral, 363 U. S. 190 (1960); Serbian Eastern Orthodox Church

v. Milirojevich, 426 U. S. 696 (1976); Jones v. Wolf, 443 U. S. 595 (1979). The previous cases cited clearly illustrate that where the dispute involves a hierarchical church or organized body of churches of a similar faith and subject to an established ecclesiastical authority, the State Courts must defer to the hierarchical authority.

The ruling of the ecclesiastical authority must be enforced by the Civil Courts. The highest ecclesiastical authority, or assembly in some religions or clerical superiors in others, is the final arbiter of church doctrine and authority. In the instant case, the elders of each congregation are the ecclesiastical authority. In the present dispute, the Trial Court and the Appellate

Court were required to uphold the authority of this rule-making body.

In Watson v. Jones, supra, a case which involved internal ecclesiastical dissension, the Court was required to determine which of two factions of a church was to lawfully control the church property. The local elders and trustees had been decreed by the State Court to control the property. The Court found that the right to church property insofar as it is dependent on questions of religious doctrine or ecclesiastical law must be settled by the highest tribunal or authority of the religious organization.

The Court's deference to a congregational polity or hierarchical authority has been strengthened by later decisions of the Court.

In the case of Gonzalez v. Roman Catholic Archbishop Manila, supra, the Court disallowed the Civil Court to determine the sufficiency of qualifications of a chaplain of the Roman Catholic Church. Here, a Civil Court could not award the position of a chaplain as it could not disturb the Church authorities' selection. The seletion of a chaplain was an act canonical and therefore, the ruling on ecclesiastical matters by the Church organization could not be reviewed.

In Kedroff v. St. Nicholas Cathedral, supra, the Supreme Court invalidated New York legislation placing control of church property of the Russian Orthodox Church in an autonomous part of that Church in New York, holding that

legislation of this sort violated the principles of the First Amendment, the free exercise clause by interfering with the control and decisions of the ecclesiastical authority. Here the Court found that the State must accept the decisions of the highest formal authorities of the Church when it resolves disputes surrounding control of Church property. This is true even in the absence of legislation, for Civil Courts have no more power to review the decisions of a Church than does the legislature. Keskik v. St. Nicholas Cathedral, supra, the Court once again reaffirmed its position regarding state interference, where in Serbian Eastern Orthodox Church v. Milirojevich, supra, the Court ruled that any review of the jurisdiciton of the general Church

authorities or whether they acted in conformity with the Church laws would result in undue interference with freedom of religion. State Courts must refrain from ruling contrary to the church hierarchy unless their decision is clearly based on principles which have no reference to religious doctrines or rulings.

The Court has consistently advocated and upheld the traditional American doctrine of freedom of religion and the separation of Church and State carries with it the freedom of the Church from having its doctrines or beliefs deprived, interpreted or censored by Civil Courts. Presbyterian Church v. Mary E. B. Hall Memorial Presbyterian Church, 393 U. S. 444 (1969). As stated by the court in its opinion in Kedroff v. St. Nicholas

Cathedral of Russian Orthodox Church in North America, 344 U. S. 94 (1952) at 116:

> The opinion in Watson v. Jones radiates . . . a spirit of freedom for religious organizations, or independence from secular control or manipulation - in short, power to decide for themselves, free from state interference, matter of church government as well as those of faith and doctrine. Freedom to select a clergy, where no improper methods of choice are proven, we think, must

now be said to have federal constitutional protection as a part of the free exercise of religion against state interference.

The District Court of Appeals, Third District and the Trial Court infringed upon the free exercise of religion of the Appellants in the instant case. As the elders and governing body of their Church, they were empowered with the rule-making authority within the Churches of Christ. For the Court to invade this right, usurp the elders' authority, enter into the area of religious freedom by ordering activities contradictory to religious Church doctrine is violative of the principles of the First Amendment.

The Supreme Court of Florida has considered this question, as well. In St. John's Presbyterian v. Central Presbyterian Church of St. Petersburg, 102 So.2d 714 (Fla. 1958), the Florida Supreme Court held that, "Courts will not attempt to resolve questions of doctrine, discipline, ecclesiastical law, rule and custom of Church, even though property rights are involved, but will rely on decisions by highest ecclesiastical court."

The instant case before this Court is one of far-reaching effect and importance. Not only are the interests of the Liberty City Church of Christ involved in this matter, but members of religious organizations throughout the country will

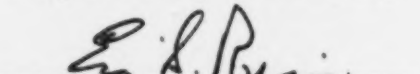
feel the effects of this decision.

CONCLUSION

Appellants urge this Court to take jurisdiction and then decide the vibrant, critical questions presented by these facts. The issues in this case touch the most delicate and personal aspects of these Appellants in particular and the people of the State of Floirda in general. They involve questions of religious freedom, of ownership and control of property; they thus involve the welfare of future generations and the spiritual and social welfare of the entire community and communities throughout the United States. It is submitted they involve the Court of the United States in that the rulings in question are invoked under the First and

Fourteenth Amendments to the United States Constitution.

Respectfully submitted,



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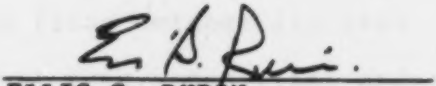
Telephone: 305/576-5600

CERTIFICATE OF SERVICE

I hereby certify that two copies of the foregoing brief were mailed this 13 day of February, 1984, to Mark A. Valentine, Esquire, 3050 Biscayne Boulevard, Suite 800, Miami, Florida 33137.



ELLIS S. RUBIN

APPENDIX A-1

NOT FINAL UNTIL TIME
EXPIRES TO FILE REHEARING
MOTIONS AND, IF FILED,
DISPOSED OF.

IN THE DISTRICT COURT OF APPEAL

OF FLORIDA

THIRD DISTRICT

JULY TERM, A. D. 1983

CASE NO.: 83-926

MANNIE BLACK and
MOSES WILLIAMS,

Appellants,

vs.

BROTHER FREEMAN T. WYCHE,

Appellee.

Opinion filed October 11, 1983.

An Appeal from a non-final order from the Circuit Court for Dade County,

Moie J. Tendrich, Judge.

Ellis Rubin and Laurie Bernstein, for appellants.

McCrary, Valentine & Handfield, and Mark Valentine, for appellee.

Before SCHWARTZ, C. J. and HENDRY and FERGUSON, JJ.

PER CURIAM.

Affirmed.

APPENDIX B-1

IN THE DISTRICT COURT
OF APPEAL FOR THE THIRD
DISTRICT OF FLORIDA

CASE NO.: 83-926

MOSES WILLIAMS and MANNIE
BLACK,

Appellants,

vs.

BROTHER FREEMAN T. WYCHE,

Appellee.

NOTICE OF APPEAL TO THE SUPREME COURT OF THE UNITED STATES

Notice is hereby given that MOSES WILLIAMS and MANNIE BLACK the above-named Appellants hereby appeal to the Supreme Court of the United States from a final decision of the Third District Court of

Appeal, Florida rendered on October 11, 1983 per curiam affirming the decision and Order of the Trial Court of the 11th Judicial Circuit In and For Dade County, Florida denying Plaintiff/Appellants' Motion for Injunctive Relief and directing Plaintiff/Appellants' immediate surrender of church bank accounts and ordering an election by majority vote for new elders of the instant church and for the church's minister. Rehearing was denied by Order dated November 17, 1983. A final mandate was issued on December 5, 1983.

Appellants, MOSES WILLIAMS and MANNIE BLACK, were Appellants in the Third District Court of Appeals and Plaintiffs/Counter-Defendants in the trial court. Roosevelt V. Walker was Counter-Defendant in the trial court. Appellee FREEMAN T. WYCHE was Appellee in

the lower Court and Defendant/Counter Plaintiff in the trial court. This appeal is taken pursuant to 28 USC §1257.

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished by mail on this 1st day of February, 1984 to: Mark A. Valentine, Esquire, 3050 Biscayne Boulevard, Suite 800, Miami, FL 33137.

ELLIS RUBIN LAW OFFICES, P. A.
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265 N. E. 26th Terrace
Miami, FL 33137
305/576-5600 (Dade)
305/524-5600 (Bwd.)

/s/ ELLIS S. RUBIN
ELLIS S. RUBIN

APPENDIX C-1

DISTRICT COURT OF APPEAL

Third District

2001 S. W. 117th Avenue

P. O. BOX 650307

MIAMI, FLORIDA 33165

Telephone 554-2900

December 5, 1983

Re: BLACK vs. WYCHE
DCA CASE NO.: 83-926

This is to advise you that the mandate in the above styled cause has been issued this date and mailed to Richard P. Brinker, Clerk of the Circuit Court of Dade County, Florida.

Very truly yours,

/s/ Louis J. Spallone
Clerk District Court of
Appeal, Third District

LJS/b

cc: Ellis Rubin; Mark Valentine

APPENDIX D-1

IN THE DISTRICT COURT OF APPEAL

OF FLORIDA

THIRD DISTRICT

JULY TERM, A. D. 1983

THURSDAY, NOVEMBER 17, 1983

CASE NO.: 83-926

MANNIE BLACK and MOSES WILLIAMS,

Appellants,

vs.

BROTHER FREEMAN T. WYCHE,

Appellee.

Upon consideration, appellant's motion for rehearing is hereby denied.

A True Copy

ATTEST:

LOUIS J. SPALLONE

Clerk District Court of Appeal, Third District

BY: /s/ Evelyn A. Hielman
Deputy Clerk

cc: Ellis Rubin
Mark Valentine

/srb

APPENDIX E-1

IN THE CIRCUIT COURT OF THE
11TH JUDICIAL CIRCUIT IN AND
FOR DADE COUNTY, FLORIDA

CASE NO.: 83-11427 (12)

MANNIE BLACK and MOSES
WILLIAMS,

Plaintiffs,

vs. NOTICE OF APPEAL OF A
NON-FINAL ORDER

BROTHER FREEMAN T. WYCHE,

Defendant.

NOTICE IS GIVEN that MANNIE BLACK and MOSES WILLIAMS, Plaintiffs'/Appellants' appeal to the Third District Court of Appeals of Florida, the Order of this Court rendered on April 6, 1983. The nature of the order is a non-final order denying

Plaintiffs/Appellants' Motion For Injunctive Relief and directing Plaintiffs/Appellants' to surrender immediate possession of a checking account and money market account and ordering an election, by majority vote, by the eligible members of a recognized church, of elders of the church and who shall serve as Minister of the church; in addition, the said order denied supersedeas bond in the event of an appeal.

ELLIS RUBIN LAW OFFICES, P. A.
Counsel for Plaintiffs/Appellants
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Miami, Florida 33137
(305) 576-5600 (Dade)
(305) 524-5600 (Bwd.)

BY: /s/ ELLIS S. RUBIN
ELLIS S. RUBIN

I HEREBY CERTIFY that a true and

correct copy of the foregoing was furnished to Mark A. Valentine, Esquire, 3050 Biscayne Boulevard, Suite 800, Miami, Florida 33137 this 21st day of April, 1983.

BY: /s/ ELLIS S. RUBIN
ELLIS S. RUBIN

THE ORIGINAL FILED
IN THE OFFICE OF
RICHARD P. BRINKER
Clerk Circuit Court Dade Co. Fla.

ON APRIL 21, 1983

APPENDIX F-1

IN THE CIRCUIT COURT OF THE
11TH JUDICIAL CIRCUIT IN AND
FOR DADE COUNTY, FLORIDA

MOSES WILLIAMS and MANNIE
BLACK,

Plaintiffs,

vs.

BROTHER FREEMAN T. WYCHE,

Defendant.

VERIFIED COMPLAINT FOR
INJUNCTIVE RELIEF,
DECLARATORY JUDGMENT
AND DAMAGES

COMES NOW, the Plaintiffs, MOSES WILLIAMS and MANNIE BLACK, by and through their undersigned attorney and sue the Defendant, BROTHER FREEMAN T. WYCHE and for cause say as follows:

COUNT I

1. That this is an action for injunctive relief.

2. That all times material herein, Plaintiffs, MOSES WILLIAMS and MANNIE BLACK were and are residents of Dade County, over the age of 18 years and sui juris.

3. That at all times material herein, Defendant BROTHER FREEMAN T. WYCHE was and is a resident of Dade County, over the age of 18 years and sui juris.

4. That the real property referred to herein is located at 1263 N. W. 67th Street, Miami, Florida and known as the Liberty City Church of Christ; 2406 N. W. 67th Street, Miami, Florida and a parcel of real property located at 17th Avenue and 83rd Street, Miami, Florida.

5. That all the acts and/or omissions complained of herein occurred within Dade County, Florida.

6. That at all times material herein, Plaintiffs, MOSES WILLIAMS and MANNIE BLACK were employed and held the position as elders of the aforesaid Liberty City Church of Christ, Inc., for the past 30 years and at all times material herein, acted within the course and scope of their employment as the elders.

7. That on or about 1979, Plaintiffs and Defendant orally agreed to designate Defendant as Minisster of the aforesaid Liberty City Church of Christ, Inc. That pursuant to the terms of this agreement Defendant was to abide by the Church's scriptures and tenets, and the authority of the elders.

8. That at all times material herein, and pursuant to this employment

arrangement, Defendant received $550.00 per week salary, Defendant's wife received $75.00 per week for secretarial duties. Defendant received living quarters adjacent to the church and utilitites within these premises, to be paid by the church.

9. Futher, the parties agreed that in the event Defendant failed to perform his duties satisfactorily, Defendant's employment would be terminated by the elders upon three months notice, with salary continuing throughout this 90-day period.

10. That Plaintiffs complied with all conditions precedent to be performed under the terms of the agreement.

11. That on or about March 6, 1983 and after lengthy deliberations, Plaintiffs presented Defendant with a letter requesting that Defendant's employment be terminated due to unsatisfactory performance of Defendant's duties, a copy of which is attached hereto as Exhibit A.

12. That Plaintiffs provided Defendant with the required 90-day termination notice.

13. That on or about March 7, 1983, contrary to the church's doctrine, Defendant organized a meeting calling for the dismissal of the church's elders.

14. That at the aforesaid meeting

of the church, pursuant to Defendant's initiation an "illegal" vote was held, contrary to the church's doctrine, at which the elders were expelled from retaining their position at the aforesaid church.

15. That shortly thereafter, Defendant established himself as Minister of the church, removed the eldership of the church, and changed the locks of the church door; thereby rendering the church impassable by the elders and members having keys.

16. That Defendant continues to reside on the church property.

17. Further, that Defendant's daughter continues to reside at the parsonage, this being church property located at 2406 N. W. 67th Street, Miami,

Florida.

18. That the aforesaid church is the sole owner of the real property in question and record title owner of same.

19. That Defendant has no proprietary interest in and to said real property.

20. That Plaintiffs have on divers occasions spoken with Defendant and requested that Defendant return the church's property including but not limited to church buildings, furnishings, valuable paintings located within the church, and Sunday morning collections, and Defendant has neglected, failed and/or refused to do so.

21. That Defendant has refused to relinquish his post and continues to act as the Minister in defiance of the orders

of the elders, this defiance being open and notorious.

22. That Plaintiffs as elders of the aforesaid church had the power and authority to handle the financial affairs of the aforesaid church and to sign on the church's account. That by and through this authority Plaintiffs transferred the church's account, pursuant to advice of counsel, and pending the court's decision regarding this matter.

23. That unless an injunction is granted by the court herein, enjoining Defendant from operating as a Minister of the Liberty City Church of Christ, said Defendant will irreparably injure and damage the spiritual and financial well-being of the Liberty City Church.

24. Further, that said injunction is necessary to prevent Defendant from secreting, hypothecating or disposing of said church's property.

25. That Plaintiffs have no other adequate remedy at law to restrain the actions of the Defendant and to protect their property except in this Court of equity.

26. Further that Defendant's actions have caused the dis-association and severance of members of the church,

which practices are against the concepts and tenets of the church.

WHEREFORE, Plaintiffs move this Honorable Court for an order as follows:

1. That this Court has jurisdiction over the subject matter and parties herein.

2. That this Court grant Plaintiffs injunctive relief against Defendant.

3. That this Court enjoin Defendant from continuing in his position as Minister of the Liberty City Church of Christ.

4. That this Court require and order Defendant to vacate the real property as aforesaid.

5. That this Court enjoin Defendant from secreting, hypothecating

and/or disposing of all church property both temporarily and permanently.

6. Such other and further relief as this Court deems just and appropriate under the circumstances.

COUNT II

27. That this is an action for declaratory judgment.

28. That Plaintiffs reaver and reallege each and every allegation set forth in Counts 1 through and inlcuding 26 of this complaint.

29. That at all times material herein the aforesaid Liberty City Church of Christ is the true and legal title owner of certain property located at 1263 N. W. 67th Street, Miami, Florida.

30. That Defendant took possession of said property and other property

belonging to the aforesaid church and refused to vacate the said property, and/or return the church's property.

31. That Plaintiffs as elders of the aforesaid church have brought this action fearing irreparable harm and injury to the aforesaid church and dis-association and severance among its members.

32. That Plaintiffs are in doubt as to the effect of and their rights and would ask this Honorable Court for a determination of these rights; the equities favor the Plaintiffs and are against the Defendant.

33. That Plaintiffs have no adequate remedy at law to restrian the action of Defendant and to protect their property except in this Court of equity.

WHEREFORE, Plaintiffs move this Honorable Court for an order as follows:

1. That this Court has subject matter jurisdiction over the parties.

2. That Court determines the rights, duties and status of Plaintiffs.

3. That this Court enjoin Defendant from continuing in his position as Minister of the Liberty City Church of Christ.

4. That this Court require and order Defendant to vacate the real property as aforesaid.

5. That this Court enjoin Defendant from secreting, hypothecating

and/or disposing of all church property.

6. That this Court determine the rights of Plaintiffs regarding control of the church's financial matters, and retention of the church's bank accounts.

7. Such other and further relief as this Court deems just and appropriate under the circumstances, and/or in the alternative,

COUNT III

34. That this is an action for conversion.

35. That this is an action in which damages exceed $5,000.

36. That Plaintiffs reaver and reallege each and every allegation contained in paragraphs 1 through and including 33 of this Complaint.

37. That at all times material herein, Plaintiffs were and are the elders of the Liberty City Church of Christ, and at all times material herein acted within the scope and capacity of their employment as the elders.

38. That according to the tenet of the aforesaid Church, Plaintiffs had the duty to appoint a Minister to preside over the aforesaid Church.

39. That Plaintiffs' duties included dismissing the Minister in the event he performed his duties unsatisfactorily.

40. That Defendant acting as Minister of the aforesaid Church failed to perform his duties satisfactorily and was thereby dismissed from his employment at the Church on or about early March of 1983.

41. That Defendant was requested to leave the adjacent living quarters which were provided to Defendant for his use only in his capacity as Minister.

42. That Defendant unlawfully, maliciously and wantonly changed the locks on the Church building, thereby converting to his own use the aforesaid Church building and residence.

43. That Defendant had unlawfully converted to his own use the contents of the Church building, the living quarters adjacent to the Church building, Sunday morning collection monies and other Church properties.

44. That Plaintiffs have protested the removal of the Church property, but Defendant has neglected, failed and/or refused to return said property to the

congregation.

45. That as a direct and proximate result of the wrongful acts of Defendant, Plaintiffs have been deprived of their position as elders of the Church; the Church's property including Church buildings, bank accounts, valuable paintings and Sunday morning collection moies have been retained by Defendant, the Church members have become dis-associated and, in addition, Defendant has prevented members from entering onto the Church premises due to a new lock.

WHEREFORE, Plaintiffs MANNIE BLACK and MOSES WILLIAMS, by and through their undersigned attorney sue the Defendant for damages in excess of $5,000, for costs interest and any and all other relief which this Court deems just and

appropriate and demands trial by Judge on all issues triable by Judge.

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(305) 576-5600

BY: /s/ ELLIS S. RUBIN
Ellis S. Rubin, Esquire

/s/ Mannie Black
MANNIE BLACK

/s/ MOSES WILLIAMS
MOSES WILLIAMS

STATE OF FLORIDA)
)SS
COUNTY OF DADE)

BEFORE ME the undersigned authority, personally appeared, MANNIE BLACK and MOSES WILLIAMS who after being duly sworn deposes and states that the foregoing is true and correct.

/s/ Patricia R. Rand
NOTARY PUBLIC
State of Florida
March 31, 1983

My commission expires:

Notary Public State of Florida
at Large My Commission Expires
Apr. 19, 1984 Bonded thru General
Ins. Underwriters

App. F-20

Miami, Florida

February 27, 1983

Bro. Freeman T. Wyche
1295 N. W. 67th Street
Miami, Florida

Re: Freeman T. Wyche

Dear Bro. Wyche:

We the elders of the Liberty City Church of Christ, met on February twenty-third, (23rd) 1983. And at that time decided that your services as minister of this congregation would no longer be desired, and that, as of March 1st, 1983, you are hereby given three months notice, (until May 31st) to relocate your residency.

It was further agreed, that we will continue your present salary, as is, until May 31st 1983, and at that time, your ser-

vices here at the, Liberty City Church of Christ will be terminated.

Sincerely, the elders of L.C.C.C.

/s/ Moses Williams
Moses Williams

/s/ Mannie Black
Mannie Black

/s/ Henderson Beasley
Henderson Beasley

MW/MB/HB.

:paj